C.W.P.No.14800 of 2005

Present: Mr.Birinder Singh, Advocate for the petitioner.
Dr. N.L.Sharda, Advocate for respondents No.1 to 4.
Ms.Jyoti Sareen, Advocate for respondent No.5.

...

The petitioner had approached this Court challenging the action of the official respondents in recovering the income-tax dues pertaining to respondent No.5 by threatening to arrest the petitioner, who is a founder Director of respondent No.5 along with Mr. Ashok Kochhar. It is alleged in the petition that since beginning Mr. Ashok Kochhar was the person in-charge of the affairs of the Company and the petitioner never had any concern with the running of the Company. Accordingly, the dues against the Company should not be recovered from the petitioner merely because is a founder Director of the Company.

On 1.9.2006, when the arguments were heard, learned counsel for respondent No.5 stated that `the amounts due to the Income-tax Department have been paid and if anything remains, the same will be paid'. On the same date, Dr. Sharda, appearing for the department sought time to verify whether any assets of the Company are available and what is the amount still payable. In spite of the opportunity granted, he has not been able to get any instruction.

In view of the above, we have no option but to accept the statement made by respondent No.5 on 1.9.2006 that the amounts due to the Income-tax Department have been paid and if anything remains, the same will be paid.

In view of the above, no further order is called for.

The writ petition is accordingly disposed of.

(Adarsh Kumar Goel)
Judge

(Rajesh Bindal)
Judge

10.10.2006
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